

## **Summary of EPA's Technical Stakeholder Committee (TSC) Meeting #1**

### **Yosemite Slough Site**

**November 30, 2011: 1:30pm – 4:30pm; EPA Offices; 75 Hawthorne Street, San Francisco, CA**

**Participants: See Attached Participant list.**

#### **Action Items**

- 1. Email recent photos and plans of the State Parks Wetlands Project. Who: EPA (Cooper/Garvey) in coordination with State Parks.**
- 2. Email link for DTSC's document storage website (Envirostor) to all TSC members. Navy's Final Feasibility Study for Parcel F can be found on Envirostor. Who: EPA (Cooper/Garvey).**
- 3. USF&WS to send USEPA official letter describing species of concern and other issues related to USF&WS ARARs. Who: USF&W (Whitlock)**
- 4. EPA to send TSC committee members the PCB iso-concentration contour maps for both inner slough and south basin portions of the Yosemite Slough site using Parcel F remedial goals as a guide. These maps were presented by EPA at the TSC meeting #1. Who: EPA (Cooper/Garvey).**
- 5. EPA to obtain and analyze Navy Parcel F data files and perform volume estimate for sediments in the south Basin based on Parcel F remedial goals (i.e. 1240 ppb PCB (not-to-exceed) and residual weighted average site wide of 386 ppb PCBs). EPA to explain if preliminary site boundaries are based on Total PCBs concentrations or a single aroclor. At the TSC meeting #2, EPA to present a refined comprehensive site location map and estimate of total site volume for the entire site boundaries for Yosemite Slough site. Who: EPA (Ormerod/Milton of E&E)**
- 6. At all future TSC meetings, EPA to update and reissue its Draft Best Case Schedule for Site Cleanup (including schedule assumptions). Who: EPA (Cooper/Garvey)**
- 7. EPA to provide available SFPUC studies on Slough contamination to Committee. Who: EPA (Cooper/Garvey).**
- 8. Obtain and review City of Oakland and RWQCB studies on urban runoff. Who: EPA (Ormerod/Milton of E&E).**
- 9. EPA Project Managers to meet with EPA's Brian Ross concerning technical information from the Dredge Materials Management Office (DMMO) concerning sources of backfill material for use in SF Bay. Backfilling may be a component of one or more removal alternatives analyzed in the EECA. Who: EPA (Cooper/Garvey)**
- 10. EPA to consider if the current draft Removal Action Objectives (RAOs) sufficiently address the need for restoration of Slough habitat and preservation of the Slough as tidal mudflats. Who: EPA (Cooper/Garvey)**
- 11. USF&WS will review requirements for dredge and fill material in SF Bay Projects and provide input to USEPA on this matter. Who: USF&WS (Whitlock)**
- 12. EPA to review key assumptions, data input, methodology, and outcomes of the Navy's Parcel F Ecological Risk Assessment (ERA) with site natural resource trustees (NOAA, USF&WS, and Cal**

Fish and Game) to ensure that the potential remedial goals for Parcel F are protective of the ecological receptors at Yosemite Slough. EPA to also discuss with trustees the role backfill may play for protectiveness of human and ecological receptors and habitat restoration. EPA to report back to the TSC concerning results of that meeting. Who: USEPA (Black), NOAA, USF&WS, and Cal Fish and Game.

#### Key Meeting Summary Notes

1. **TSC Purpose.** EPA explained that the Yosemite Slough Technical Stakeholder Committee (TSC) shall function on an advisory basis to EPA on technical (not legal) issues related to the EECA for the site. EPA will function as the author and primary decision maker in regard to EECA. EPA anticipates a total of four (4) TSC meetings prior to the formal public comment period/public meeting on the EECA.
2. **EPA Community Outreach.** EPA to prepare a Community Involvement Plan (CIP) that will guide all of EPA community involvement activities at the YS Site.
3. **Site Boundaries.** EPA explained that the CERCLA definition of “onsite” meaning “where contamination has come to be located” will be used to define site boundaries. Therefore, the YS Site will likely consist of contaminated sediments within YS itself and the western portions of the South Basin where contaminants discharged to YS have apparently come to be located (i.e the mouth of the Slough).
4. **Site Regulatory Status.** EPA is planning YS Site cleanup using of Non-Time Critical Removal Action (NTCRA) under CERCLA. The Site is not on EPA’s National Priorities List now but may eventually be listed on the NPL if EPA’s deems it necessary to facilitate site cleanup.
5. **Site Cleanup Schedule.** EPA presented its Draft Best Case Schedule for Slough Sediments Cleanup. EPA believes that this schedule is very aggressive and assumes the “best case” resolution of several critical path items. Under this best case schedule, Site cleanup would commence in the summer of 2013 (see Best Case Schedule Handout).
6. **Coordination with Slough-Adjacent Projects.**
  - **State Parks Wetlands.** Construction activities for the State Parks wetlands restoration project on the northside of the Slough is substantially complete. The berm was recently breached allowing bay water into the future marine wetlands per the State Parks planning documents. Planting on the northside wetlands area is scheduled to start in March 2012 and be done by June 2012. Plants to be irrigated using tidal bay water and fresh water irrigation via temporary piping. The Southside wetlands project is undergoing fundraising and State Parks hope to be construction complete with their Southside wetlands by December 2014.
  - **Navy Parcel E-2 and Parcel F.** Navy Parcel E-2 includes a marine wetlands restoration project on the northside of the slough mouth immediately east of the State Parks project. Navy is using CERCLA remedial authority and the Parcel E-2 Proposed Plan recently finished its public comment phase. Navy’s Parcel F consists of the SF Bay nearshore areas around the shipyard including much of South Basin area and the entire mouth of the Slough. The Navy issued a Final Feasibility Study

for Parcel F dated April 30, 2008 (see Action Item #2 on how to access this document). To avoid re-contamination of South Basin sediments, the Navy believes the inner portion of the Slough should be cleaned up before the Navy can proceed with its cleanup work in the South Basin portion of Parcel F.

7. **EECA Table of Contents.** EPA issued a preliminary draft table of contents on for the Engineering Evaluation/Cost Analysis (EECA) for Yosemite Slough to all TSC members. EPA will continue to revise and supplement this table of contents as the EECA is further developed. TSC members are welcome to comment on the draft table of contents now or wait for the next version to be provided at the TSC meeting #2.
8. **Geology and Sediment Type.** EPA presented a summary of Slough geology and sediment type information provided in the Batelle 2004 report and Little 1999 report.
9. **Natural Resources.** EPA has received a letter from California Department of Fish and Game and an email from NOAA. Both documents will be posted to EPA's website. The Site is potential habitat for certain threatened or endangered species (e.g. CA Clapper Rail, Black Rail, Steelhead, Green Sturgeon, harvest mouse, etc). EPA and natural resource trustee agencies will continue to discuss the appropriate level of environmental compliance documentation once the general scope of a recommendation cleanup action becomes apparent in the EECA.
10. **Cultural Resources.** EPA is currently doing a records search for potential cultural resources at the Site. EPA has also requested a Native American Stakeholder Contract List from the Native American Heritage Council. EPA will notify and consult with individuals on the Native American Stakeholder contact list in accordance with the National Historical Preservation Act (NHPA). Based on the information we collect from our records research and consultation with Native American stakeholders, EPA will document its finding with the SHPO in accordance with NHPA.
11. **Site Contaminants of Concern**
  - EPA presented PCB iso-concentration maps for both inner Slough (per EPA's May 2011 report) and western South Basin (per the Navy's Parcel F Feasibility Study dated April 2008). EPA stated that PCBs in the mouth of the Slough may be comingled from both inner slough and South Basin sources.
  - EPA found that in inner Slough locations, non-PCB contaminants (e.g. mercury, zinc, nickel, hydrocarbons, and pesticides) are collocated with PCB contamination with one minor exception area near the mouth of the Slough. At this point, EPA believes that PCBs are the primary indicator Site contaminant. EPA will conduct this same exercise concerning collocation with PCBs for the South Basin data in the mouth of the Slough. This information will be presented TSC meeting #2.
  - Estimate Site Volume. For the inner Slough area only, EPA estimated approximately 58,000 cy using assumption for the volume of sediments based on 386 ppb or greater for PCBs. This volume estimate is subject to change based the addition of Site volume in the mouth of the Slough and further analysis by EPA on this issue.
12. **Upland Source Control of Contaminant Risks.** EPA is collecting information to support the initial development of a strategy to identify and address potential pathways for contaminants

to re-enter the Slough post cleanup. Potential contaminant pathways include via permitted combined sewer overflows, stormwater discharges, and overland stormwater flows.) The Water Board suggested that such upland source control is required per the Water Board's PCB TMDL policy and is necessary before RWQCB will agree to a remedy for the Slough. RWQCB also suggests that TSC review City of Oakland and RWQCB studies regarding urban runoff. See Action item 8.

13. **Draft Removal Action Objectives.** Arthur Feinstein (Sierra Club/Audubon), NOAA and USF&W made the point that a significant portion of the habitat at the Site is tidal mud flats and if this area is dredged/excavated but not backfilled, it may no longer serve as a functional tidal mud flat. YS PRP Group stated that if fill is used in the SF Bay, the current requirement is less than 20 ppb total PCBs. See Action Item No. 10 and No. 11.
14. **Derivation of Sediment Remediation Goals.** EPA provided an overview of the Navy's human health and ecological risk assessment work in Parcel F. EPA understands that the sediment remedial goal for total PCBs in Parcel F to be 1,240 ppb (not to exceed) and 386 ppb residual weighted average sitewide. EPA is investigating the role, if any, backfill plays in the remedial goal assumption at Parcel F and how that may modify the values. Sierra Club/Audubon inquired if ducks were included in the ecological risk assessment. EPA agreed to re-review which avian receptors were evaluated in the assessment and measurement endpoints of the Parcel F ecological risk assessment. EPA will discuss this information with Sierra Club/Audubon representative and the Natural Resource Trustees and report back to the entire TSC on this topic at the next TSC meeting. USEPA believes that the natural resource trustee agencies agree that the Navy's risk assessment work and remedial goals for Parcel F to be adequate. NOAA indicated its agency has not been adequately consulted on the Navy ecological risk assessment and will require additional consultation in this matter. NOAA also stated that since the Navy's ecological risk assessment work in Parcel F, the SF Bay has been listed as critical habitat for the Green Sturgeon, which was recently placed on the Threatened or Endangered Species list in this area. This topic requires additional follow per Action Item No. 12.
15. **Key Potential ARARs and Substantive Permitting Requirements.** EPA explained that onsite CERCLA actions are required to comply with the substantive technical requirements (not administrative) of any ARAR that may concern a permit. Examples include:
  - Clean Water Act Section 401. RWQCB indicated that Section 401 compliance review of Slough cleanup work will take a minimum of 2-3 months. Section 401 has similar requirements as Section 404. RWQCB stated that Section 401 certification may include protection of the slough's tidal prism.
  - Clean Water Act Section 404. Army Corps is lead regulatory agency and Slough cleanup project must be protective of beneficial uses per RWQCB Basin Plan.
  - BCDC permit technical requirements (BCDC). At the appropriate time, BCDC will need to review the proposed Slough cleanup construction drawings and specifications. BCDC indicated that they will enforce the Coastal Zone Management Act as part of their regulatory review.

- 16. Agenda Topics for Future TSC Meetings.** The Committee reviewed the handout of future agenda items for TSC meetings 2, 3, and 4. Committee members are encouraged to send Craig Cooper suggestions regarding future agenda topics.
- 17. Setting Dates for all TSC meetings.** The following dates were set for future TSC meetings: January 25, February 29, and April 25. All meetings will occur at EPA Offices and start at 10:30am and may run until 5:00pm with a 1-hour break for lunch. EPA will hold future TSC meetings in a larger conference room at 75 Hawthorne Street to better accommodate all committee members. Please note that EPA encourages committee member to bring a water container for personal use during committee meetings. Craig and Melinda will provide light refreshments at future TSC meetings.